

REMARKS

Claims 10-14, 16, 17, 20 and 21 are pending in the above-identified application. Claim 22 has been inserted into claim 10 and this claim together with claim 15 have been cancelled.

Previous Issues under 35 USC 102(b) and 103(a)

Claims 10, 15-17, 20 and 21 were previously rejected under 35 USC 102(b) as being anticipated by Feldman '481 (U.S. 4,067,481).

Claim 11 was previously rejected under 35 USC 103(a) as being unpatentable over Feldman '481 in view of Belanger '187 (U.S. 5,026,187).

Claims 12, 13, 16 and 22 were previously rejected under 35 USC 103(a) as being unpatentable over Feldman '481 in view of Osborn '904 (U.S. 6,892,904).

Claim 14 was previously rejected under 35 USC 103(a) as being unpatentable over Feldman '481 in view of Callan '034 (U.S. 4,065,034).

To the extent that the above previous rejections still apply, these are traversed based on the following reasons.

Distinctions over Previously Cited References

Feldman '481 discloses a hand-holdable gun for dispensing a thermoplastic-type medium from a storage cartridge container, which includes a plunger means movable along the longitudinal axis of the cartridge container and a heating means. The improvement is seen in a removable hollow heating sleeve, surrounding the cartridge container for providing a controlled temperature to the thermoplastic-type medium. The heating sleeve includes a plurality of concentric coaxially mounted cylinders with a conventional heating coil mounted between heat reflective sleeves. The heating sleeve also includes an end cap, which is threadably mounted at one end of the heating sleeve. The end cap includes a centrally located aperture for enabling protrusion of the cartridge tip. On the other side a conventional-type of a caulking gun is mounted with a trigger, actuating a ratchet mechanism for advancing a rod and a piston to advance the plunger means.

Feldman '481 fails to disclose a dispensing tip screwed onto a metal thread on a cartridge or on the dispensing device, and the dispensing device being screwed or connected to the cartridge, as in the present invention. Further, Feldman '481 fails to disclose that the dispensing tip is heated only by the heated adhesive fluid passing therethrough, as in the present invention. Feldman '481 also fails to disclose that the piston acting on the cartridge plunger has a smaller surface to keep the heat losses across the piston low, as in the present invention. Consequently, significant patentable distinctions exist over Feldman '481 such that the above anticipation rejection must be withdrawn.

Regarding the obviousness rejections, it is respectfully submitted that the other cited documents, such as Belanger '187 and Callan '034, fail to disclose the ram acting on a small surface of the plunger, which is less than the full surface of the plunger, so as to minimize heat transfer to the ram. Thus, significant distinctions also exist over these references such that the above obviousness rejections based on these references also must also be withdrawn.

The Examiner argues that Osborn '904 discloses shaft (240) acting on a small surface of the plunger (242) which is less than the full surface of the plunger (242). This interpretation of Osborn '904 is incorrect. The apparatus disclosed by Osborn '904 is provided for applying sealing material without the possibility of heating the sealing material, such that there is no feature disclosed or suggested by Osborn '904 to minimize the heat losses through the plunger as in the present invention. The plunger described by Osborn '904 includes a gasket (243) sandwiched between two piston-plates (244, 248) such that the gasket extends about the edges of the piston-plates. The plunger is intended to directly contact the grout material [col.6; lines 12-30]. Thus, significant distinctions also exist over Osborn '904 such that the above obviousness rejection based on this reference also must also be withdrawn.

The Examiner argues that Belanger '187 discloses that the dispensing tip is heated substantially by the adhesive fluid flowing out. But Belanger '187 only discloses that the cartridge (6) contacts the nozzle (18) [col. 2; 1. 23-26]. No information is provided about the material of the nozzle. Concerning the feature of the dispensing tip being screwed or connected to the adhesive fluid cartridge or to the dispensing device and the dispensing device being screwed or connected to the adhesive fluid cartridge, Belanger '187 only discloses an outlet

means, i.e. a nozzle assembly, communicating with a cartridge means [col. 2; 1. 23-26]. Belanger '187 in one embodiment discloses that the nozzle assembly is an integral part of the cartridge [col. 2; 1. 52-57]. No suggestion is made in Belanger '187 to connect the dispensing tip by screw threads.

The Examiner rejects claim 14 as being unpatentable over Feldman '481 and Callan '034. Callan '034 discloses a gun-type dispenser with an outer end of a barrel having an annular heat conductive jacket which contains heating elements and a nozzle screwed to it. With this connection, the nozzle is heated like the outer end of the barrel and not by the heated fluid medium passing therethrough. The heated outer end is not free of danger by the user.

Consequently, significant patentable distinctions exist between the present invention and all of the above cited references such that all of the above rejections should be withdrawn.


In view of the above amendment, applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Andrew D. Meikle, Reg. No. 32,868 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated: July 16, 2009

Respectfully submitted,

By 
Andrew D. Meikle
Registration No.: 32,868
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000